

Appl. No.: 10/771,798
Amdt. dated 01/31/2005
Reply to Official Action of November 3, 2004

REMARKS

Applicants appreciate the thorough examination of the present application, as evidenced by the second Official Action. The second Official Action rejects Claims 1-15, 18-22, 25, 26 and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,498,982 to Bellsfield et al.; and rejects Claims 16, 17, 23, 24, 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over the Bellsfield patent, in view of U.S. Patent No. 5,948,040 to DeLorme et al. As explained below, however, Applicants respectfully submit that the Official Action fails to establish *prima facie* obviousness of the claimed invention of independent Claims 1, 7, 8, 14 and 22, or by dependency Claims 2-6, 9-13, 15-21 and 23-31. As such, Applicants respectfully traverse the rejections of the claims as being unpatentable over the Bellsfield patent or the DeLorme patent, taken individually or in combination. In view of the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

The claimed invention provides systems and methods providing travel information. More particularly, independent Claim 1 of the present application provides a method for graphically displaying travel information on an electronic map within a network environment. The method includes receiving an information request based on a flexible set of user-defined travel related criteria from a client. The information request is processed to initiate at least one inquiry based on the information request. A plurality of responses is collected from an information server, which gathers information from at least one remote server, to determine a solution set to the information request. As further recited by independent Claim 1, and as similarly recited by independent Claims 7, 8, 14 and 22, the solution set includes at least one airport, at least one airfare and/or at least one distance between at least one pair of airports. Thereafter, the solution set is rendered unto an electronic map overlay for transmission to the client.

In rejecting independent Claim 1, as well as independent Claims 7, 8, 14 and 22, the Official Action alleges that the Bellsfield patent teaches a number of features of the claimed invention. As conceded by the Official Action, however, the Bellsfield patent does not teach or suggest a solution set including at least one airport, at least one airfare and/or at least one distance between at least one pair of airports. Nonetheless, the Official Action alleges that it

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would have been obvious to one skilled in the art to include at least one airport in the system disclosed by the Bellsfield patent to provide a travel plan and use the airport as a destination and/or point of interest.

As stated in the MPEP, all of the elements of a claimed invention must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. MPEP § 2143.03 (*citing In re Royka*, 490 F.2d 981 (CCPA 1974)). In the instant case, however, the Official Action fails to allege prior art, including the Bellsfield patent or the DeLorme patent, individually or in combination, that teach or suggest all of the elements of the claimed invention of the present application. More particularly, for example, nowhere does the Official Action allege any prior art that teach or suggest, individually or in combination, a solution set including at least one airport, at least one airfare and/or at least one distance between at least one pair of airports, as recited by independent Claim 1, and similarly by independent Claims 7, 8, 14 and 22, of the present application.

As further stated in the MPEP, establishing *prima facie* obviousness of a claimed invention also requires some suggestion or motivation to modify the references or to combine reference teachings." *Id.* at § 2143.01. The Official Action does allege that it would be obvious to combine a solution set including at least one airport in the system disclosed by the Bellsfield patent, indicating that such a modification results in a travel plan including an airport as a destination and/or point of interest. The Official Action does not allege, however, a motivation for modifying the Bellsfield patent to provide a solution set including at least one airport, merely the result of such a modification.

Applicants therefore respectfully request that the Official Action reconsider the claimed invention in light of all of the words of the claimed invention. *Id.* at § 2143.03 (*citing In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). Then, in the absence of a finding that the prior art teach or suggest all of the elements of the claimed invention, and a suggestion or motivation for combining the elements taught by such prior art, Applicants request allowance of all of the pending claims of the present application.


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CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION

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Sarah B. Simmons

1-31-05
Date